

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

**IN RE: REALPAGE, INC., RENTAL
SOFTWARE ANTITRUST LITIGATION
(NO. II).**

**Case No. 3:23-md-3071-WDC-BDH
MDL 3071**

**This document relates to:
ALL ACTIONS**

Chief Judge Waverly D. Crenshaw, Jr.

Magistrate Judge Barbara D. Holmes

**RESPONSE TO OPPOSITION OF PLAINTIFFS GARY KEMPTON AND RYAN
DANIEL TO STIPULATION AND [PROPOSED] ORDER SETTING BRIEFING
SCHEDULE FOR APPOINTMENT OF INTERIM LEAD COUNSEL PURSUANT TO
FED. R. CIV. 23(G)**

Yesterday, all plaintiffs' counsel of record on the Court's docket agreed to file a stipulation and proposed schedule, reflected in an agreed proposed order, for the appointment of interim lead counsel, plaintiffs' steering committee, and/or plaintiff liaison counsel under Fed. R. Civ. 23(g) and as contemplated in the Court's April 19 Order. ECF No. 25. This Stipulation was the product of good faith discussions and extensive work over several weeks among many attorneys across more than 40 law firms, with cases filed as early as October 2022 – some of whom will likely compete to seek leadership appointments in this MDL.

Yesterday, two plaintiffs (Gary Kempton and Ryan Daniel) filed a new lawsuit against RealPage and other defendants. The attorneys and law firms who filed the lawsuit did not represent any plaintiffs in any previous matters in this MDL. For that reason, they were not listed as counsel

of record on the MDL docket and were not involved in the negotiation and execution of yesterday's Stipulation.

These two new plaintiffs have filed an Objection to the Stipulation. They assert that the Stipulation contemplates multiple rounds of briefing. This appears to be a misunderstanding. The parties who agreed to the Stipulation only specified one set of leadership submissions, consistent with the Court's April 19 Order at ECF No. 3. These two new plaintiffs also appear to object to the public filing of any applications. Due to the nature of the claims in the case and because counsel will seek to represent unnamed class members, existing plaintiffs had proposed that non-confidential information be filed publicly. Of course, all counsel will defer to the Court's judgment on this issue.

The signatories to the Stipulation filed yesterday intend to meet and confer expeditiously with counsel for the new plaintiffs in an effort to reach agreement and clear up any misunderstandings.

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CERTIFICATE OF SERVICE

I hereby certify that on April 27, 2023, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to those attorneys of record registered on the CM/ECF system. All other parties (if any) shall be served in accordance with the Federal Rules of Civil Procedure.

DATED this 27th day of April, 2023.

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